

U.S. Congressman Mike Johnson  
U.S. House Committee on the Judiciary  
Questions for the Record  
May 9, 2019

**Hearing - Subcommittee on Courts, Intellectual Property, and the Internet**  
**“Oversight of the U.S. Patent and Trademark Office”**

Director Iancu,

As you know, a Patent Trial and Appeals Board (PTAB) decision invalidating a patent often halts further proceedings in a District Court. However, that is apparently not true for proceedings at the U.S. International Trade Commission (ITC). For example, the ITC has proceeded with Section 337 investigations and imposed remedies in cases even after the PTAB had found a patent to be invalid. Based upon your understanding of patent infringement cases in District Courts, the ITC, and the PTAB, please answer the following questions:

- 1) Do you think the ITC should be required to suspend its 337 investigations upon the PTAB determination that a patent is invalid, and ultimately terminate such a proceeding once the PTAB decision has been made final and all avenues for appeal exhausted?
- 2) Alternatively, should the PTAB suspend its proceedings when a district court or the ITC has decided to conduct a full-blown trial that will include a determination of the validity of the same patents and, if so, at what point in its proceeding would such a suspension by the PTAB be appropriate?